

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
W. R. GRACE & CO., et al.,¹) Case No. 01-1139 (JKF)
) (Jointly Administered)
)
Debtors.)
)

**DEBTORS' MOTION FOR LEAVE FROM THIS COURT'S SCHEDULING ORDER
AND TO SHORTEN NOTICE PERIOD ON DEBTORS' MOTION TO AUTHORIZE
THE APPOINTMENT OF DIANE M. WELSH AS MEDIATOR FOR THE
SPEIGHTS & RUNYAN PROPERTY DAMAGE CLAIMS**

The Debtors hereby move this Court pursuant to Del. Bankr. L.R. 9006-1(e), Rule 9006(c) of the Bankruptcy Rules and section 102 of the Bankruptcy Code, for leave from this Court's Scheduling Order and to shorten the notice period with respect to its Motion For Entry of

¹ The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

an Order Authorizing the Appointment of Diane M. Welsh as Mediator (the “Mediator Motion”) for the Speights & Runyan Asbestos Property Damage Claims (the “S&R Claims”), so that the Mediator Motion may be heard no later than the Court’s April 21, 2008 Omnibus hearing and setting the Objection Deadline on the Mediator Motion for April 14, 2008. In support of this Motion, the Debtors respectfully represent as follows:

1. On or about January 28, 2008, the Court ordered the Debtors and the law firm of Speights & Runyan (“S&R”) to submit to mediation in an effort to see if the remaining S&R Claims could be resolved. To date, approximately 160 S&R Claims remain pending, all of which have been objected to by the Debtors on various grounds.
2. Thereafter, the Debtors and S&R exchanged information with respect to potential mediator candidates. As a result, the Debtors and S&R recently agreed on the selection of Diane M. Welsh (“Judge Welsh” or the “Mediator”) as the Mediator.
3. The Debtors and S&R have determined that Judge Welsh is well qualified to serve as the Mediator for the S&R Claims, having served as a U.S. Magistrate Judge in the United States District Court for the Eastern District of Pennsylvania for 12 years, having served on the Alternative Dispute Resolution Committee of the U.S. District Court for the Eastern District of Pennsylvania for 10 years and, since her retirement from the bench in 2005, having served as a mediator and arbitrator with JAMS, a well-recognized alternative dispute resolution organization.
4. Judge Welsh has indicated that she can conduct the Mediation of the S & R Claims on April 24, 2008 and April 25, 2008. As a result, the Debtors seek leave from the Court’s Scheduling Order so that its Mediator Motion can be heard no later than this Court’s

April 21, 2008 Omnibus Hearing so that Judge Welsh can be appointed in time for her to conduct the Mediation on April 24-25, 2008.

5. Bankruptcy Rule 9006(c) provides that when an act is required to be done within a specified time by the Bankruptcy Rules "the court for cause shown may in its discretion with or without motion or notice order the period reduced." Similarly, Del.Bankr.LR 9006-1(e) provides in pertinent part that "no motion will be scheduled on less notice than required by these Rules or the Fed. R. Bankr. P. except by Order of the Court, on written motion specifying the exigencies justifying shortened notice."

6. Accordingly, the Debtors file this motion seeking an Order of this Court for leave of the Scheduling Order and shortening the notice period prescribed by Del. Bankr. LR 9006-1(c) to enable the Debtors to have the Mediator Motion heard no later than April 21, 2008. The Debtors also respectfully request that the Court establish April 14, 2008 as the deadline to object to the Mediator Motion.

7. Given the nature of the relief requested, the Debtors respectfully submit that the limited notice described above is appropriate, as is leave from the Scheduling Order.

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WHEREFORE, the Debtors respectfully request the entry of an Order (i) granting the Debtors leave from the Scheduling Order, (ii) shortening the notice period with respect to the Mediator Motion, (iii) setting the Objection deadline on the Mediator Motion for April 14, 2008 and (iv) setting the Mediator Motion, if such a hearing is necessary, for April 21, 2008.

Dated: April 7, 2008

Respectfully submitted,

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